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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,881	01/12/2004	Fu-Lu Hsu	14170 B	1564
23595	7590	12/16/2004	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			MORRISON, NASCHICA SANDERS	
		ART UNIT		PAPER NUMBER
		3632		

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/755,881	HSU, FU-LU
Examiner	Art Unit	
Naschica S Morrison	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) 10 and 11 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 January 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

This is the first Office Action for serial number 10/755,881, Fastening Multifunctional Holder, filed on January 12, 2004. Claims 1-16 are pending.

Election/Restriction

Applicant's election with traverse of Species I (Figs. 1-5) and claims 1-6 in the reply filed on 10/8/04 is acknowledged. The traversal is on the ground(s) that there was no indication or reason for restriction. This is not found persuasive because the requirement clearly sets forth that there are several *patentably distinct* species of the invention. The patentably distinct species would require different fields of search.

Therefore, the requirement is still deemed proper and is therefore made FINAL.

Claims 12-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Specification

The disclosure is objected to because of the following informalities: on page 5, line 8 delete "an" before "threaded".

Drawings

Numeral "21" in Figure 9 does not have a lead line to indicate any particular structure within the drawing.

Claim Objections

Claim 1 is objected to because of the following informalities: on line 7, "a" before "insertion" should be --an--. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: on line 4, delete "an" before "threaded". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,020,017 to Watson in view of U.S. Patent 3,503,430 to Tsurumoto. Regarding claims 1-8, Watson discloses a holder (Fig. 1) comprising: a base including a disk (17) having a center formed with a plane (portion adjacent 28) having a center formed with a through hole (opening adjacent 21); a combination seat (11) extended outward from a side of the disk, the combination seat having an inside formed with an insertion hole (opening receiving member 14 in Fig. 1) and an insertion bore (opening receiving member 10 in Fig. 1) communicating with the insertion hole, and a peripheral wall formed with a fixing hole (opening receiving member 13) communication with the insertion bore; a plate (28) mounted on the plane of the disk and having a center formed with a slot; a sucker (19) mounted on the bottom of the disk and having a top face

having a center provided with an outward extending shaft (21) extended through the through hole of the disk and the slot of the plate, the sucker shaft (21) having a substantially rectangular cross section and a distal end formed with a pivot hole (opening receiving pin 26); and an actuating handle (24) having an inside formed with an opening (see Fig. 1) for mounting on the sucker shaft (21), a first end formed with an enlarged head (at 27 in Fig. 3 generally) pivotally mounted on the sucker shaft and urged on the plate (28) and a second end formed with a drive portion (at 24 in Fig. 1 generally), the enlarged head having two opposite side walls (25) each formed with an eccentrically arranged pivot hole (openings adjacent 26) having a pivot pin (26) extended therethrough; wherein the slot of the plate (28) has a shape mating with the sucker shaft (21); and a clamp (18) mounted on the combination seat (11) and including a substantially L-shaped support rack (12, 10) having a first section formed with an insert (10) inserted into the insertion bore (opening receiving member 10 in Fig. 1) and a threaded urging rod (15) mounted on a second section of the support rack, wherein the clamp insert (10) has a shape mating with that of the insertion bore. Watson does not teach the plate (28) being elastic and including a protruding elastic portion formed with the slot. Tsurumoto teaches an elastic plate (1) having a protruding elastic portion (at 2 generally). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the elastic plate of Tsurumoto for the plate of Watson because one would have been motivated to prevent easy breakage of the plate as well as loosening of the engagement of the lever with the plate as taught by Tsurumoto.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Tsurumoto and further in view of U.S. Patent 5,664,750 to Cohen. Regarding claim 9, Watson in view of Tsurumoto discloses the holder as applied to claims 1-8 above, but Watson does not teach the holder including a rotation bolt extended through the fixing hole (opening receiving member 13) of the combination seat and screwed into a screw bore of the clamp insert (10). Cohen teaches a rotation bolt (28) extended through a fixing hole (24) of a combination seat (14) and screwed into a screw bore (32) of a clamp (30, 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the holder of Watson by substituting a rotation bolt and screw bore within the clamp insert for the set screw (13) because one would have been motivated to provide a means for fastening the clamp insert within the combination seat that permits a user to manually engage the fastener within the insert to permit permanent engagement between the combination seat and clamp insert.

Allowable Subject Matter

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 121089 to Dennison; 937480 to Smith et al; 1211527 to Berndt;

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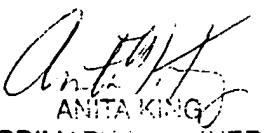
1335308 to Wilson; 1494971 to Peters; 2148307 to Scott; 2510198 to Tesmer; 2568266 to Arnold; 2683640 to Mangine; 3180605 to Ewaskowitz; 3508732 to Trachtenberg et al; 4580751 to Panzer; 4813640 to Perentin; 5326059 to Pryor et al; 5626320 to Burrell et al; 6202265 to Caine; 6308923 to Howard; 6550735 to Zheng; 6705578 to Mulford et al; 6758449 to Chen et al

The above references disclose holders relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
12/10/04


ANITA KING
PRIMAVERA
12/10/04